

Bill No. SB 1798

Barcode 311232    Comm: RCS    03/27/2006 05:09 PM

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Proposed Committee Substitute by the Committee on Children and Families

1                                    A bill to be entitled

2            An act relating to independent living

3            transition services; amending s. 409.1451,

4            F.S.; revising eligibility requirements for

5            certain young adults; revising duties of the

6            Department of Children and Family Services

7            regarding independent living transition

8            services; including additional parties in the

9            review of a child's academic performance;

10          requiring the department or a community-based

11          care lead agency under contract with the

12          department to develop a plan for delivery of

13          such services; revising provisions governing

14          life skills services; requiring that the

15          department or provider work with the child to

16          develop a joint transition plan; requiring

17          judicial review of the plan; requiring

18          additional aftercare support services;

19          providing additional qualifications to receive

20          an award under the Road-to-Independence

21          Program; providing procedures for the payment

22          of awards; requiring a community-based care

23          lead agency to develop a plan for purchase and

24          delivery of such services and requiring

25          department approval prior to implementation;

26          permitting the Independent Living Services

27          Advisory Council to have access to certain data

28          held by the department and certain agencies;

29          amending ss. 39.013, 39.701, and 1009.25, F.S.;

30          conforming references to changes made by the

31          act; providing an effective date.

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1 Be It Enacted by the Legislature of the State of Florida:

2

3 Section 1. Section 409.1451, Florida Statutes, is  
4 amended to read:

5 409.1451 Independent living transition services.--

6 (1) SYSTEM OF SERVICES.--

7 (a) The Department of Children and Family Services,  
8 its agents, or community-based providers operating pursuant to  
9 s. 409.1671 shall administer a system of independent living  
10 transition services to enable older children in foster care  
11 and young adults who exit foster care at age 18 to make the  
12 transition to self-sufficiency as adults.

13 (b) The goals of independent living transition  
14 services are to assist older children in foster care and young  
15 adults who were formerly in foster care to obtain life skills  
16 and education for independent living and employment, to have a  
17 quality of life appropriate for their age, and to assume  
18 personal responsibility for becoming self-sufficient adults.

19 (c) State funds for foster care or federal funds shall  
20 be used to establish a continuum of services for eligible  
21 children in foster care and eligible young adults who were  
22 formerly in foster care which accomplish the goals for the  
23 system of independent living transition services by providing  
24 services for foster children, pursuant to subsection (4), and  
25 services for young adults who were formerly in foster care,  
26 pursuant to subsection (5).

27 (d) For children in foster care, independent living  
28 transition services are not an alternative to adoption.  
29 Independent living transition services may occur concurrently  
30 with continued efforts to locate and achieve placement in  
31 adoptive families for older children in foster care.

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1           (2) ELIGIBILITY.--

2           (a) The department shall serve children who have  
3 reached 13 years of age but are not yet 18 years of age and  
4 who are in foster care by providing services pursuant to  
5 subsection (4). Children to be served must meet the  
6 eligibility requirements set forth for specific services as  
7 provided in this section.

8           (b) The department shall provide services pursuant to  
9 subsection (5) to ~~serve~~ young adults who have reached 18 years  
10 of age but are not yet 23 years of age and who were in foster  
11 care when they turned 18 years of age or who were adopted from  
12 foster care after reaching 16 years of age or, after spending  
13 at least 6 months in the custody of the department after  
14 reaching 16 years of age, were placed in a guardianship by the  
15 court ~~by providing services pursuant to subsection (5).~~ Young  
16 adults are not entitled to be served but must meet the  
17 eligibility requirements set forth for specific services in  
18 this section.

19           (3) PREPARATION FOR INDEPENDENT LIVING.--

20           (a) It is the intent of the Legislature for the  
21 Department of Children and Family Services to assist older  
22 children in foster care and young adults who exit foster care  
23 at age 18 in making the transition to independent living and  
24 self-sufficiency as adults. The department shall provide such  
25 children and young adults with opportunities to participate in  
26 life skills activities in their foster families and  
27 communities which are reasonable and appropriate for their  
28 respective ages or for any special needs they may have, and  
29 shall provide them with services to build life ~~the~~ skills and  
30 increase their ability to live independently and become  
31 self-sufficient. To support the provision of opportunities for

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1 participation in age-appropriate life skills activities, the  
2 department shall:

3 1. Develop a list of age-appropriate activities and  
4 responsibilities to be offered to all children involved in  
5 independent living transition services and their foster  
6 parents.

7 2. Provide training for staff and foster parents to  
8 address the issues of older children in foster care in  
9 transitioning to adulthood, which shall include information on  
10 high school completion, grant applications, vocational school  
11 opportunities, supporting education and employment  
12 opportunities, and ~~providing~~ opportunities to participate in  
13 appropriate daily activities.

14 3. Develop procedures to maximize the authority of  
15 foster parents or caregivers to approve participation in  
16 age-appropriate activities of children in their care. The  
17 age-appropriate activities shall be included in the child's  
18 case plan. This plan must include specific goals and  
19 objectives and be reviewed at each judicial review as part of  
20 the case plan.

21 4. Provide opportunities for older children in foster  
22 care to interact with mentors.

23 5. Develop and implement procedures for older children  
24 to directly access and manage the personal allowance they  
25 receive from the department in order to learn responsibility  
26 and participate in age-appropriate life skills activities to  
27 the extent feasible.

28 6. Make a good faith effort to fully explain, prior to  
29 execution of any signature, if required, any document, report,  
30 form, or other record, whether written or electronic,  
31 presented to a child or young adult and allow for the

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1 recipient to ask any appropriate questions necessary to fully  
2 understand the document. It shall be the responsibility of the  
3 person presenting the document to the child or young adult to  
4 comply with this subparagraph.

5 (b) It is further the intent of the Legislature that  
6 each child in foster care, his or her foster parents, if  
7 applicable, and the department or community-based provider set  
8 early achievement and career goals for the child's  
9 postsecondary educational and work experience. The department  
10 and community-based providers shall implement the model set  
11 forth in this paragraph to help ensure that children in foster  
12 care are ready for postsecondary education and the workplace.

13 1. For children in foster care who have reached 13  
14 years of age, entering the 9th grade, their foster parents,  
15 ~~and~~ the department or community-based provider shall ensure  
16 that the child's case plan includes an educational and career  
17 path ~~be active participants in choosing a post-high school~~  
18 ~~goal~~ based upon both the abilities and interests of each  
19 child. The child, the foster parents, and a teacher or other  
20 school staff member shall be included to the fullest extent  
21 possible in developing the path. The path shall be reviewed at  
22 each judicial hearing as part of the case plan and ~~goal~~ shall  
23 accommodate the needs of children served in exceptional  
24 education programs to the extent appropriate for each  
25 individual. Such children may continue to follow the courses  
26 outlined in the district school board student progression  
27 plan. Children in foster care, with the assistance of their  
28 foster parents, and the department or community-based provider  
29 shall choose one of the following postsecondary goals:

30 a. Attending a 4-year college or university, a  
31 community college plus university, or a military academy;

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- 1           b. Receiving a 2-year postsecondary degree;
- 2           c. Attaining a postsecondary career and technical
- 3 certificate or credential; or
- 4           d. Beginning immediate employment, including
- 5 apprenticeship, after completion of a high school diploma or
- 6 its equivalent, or enlisting in the military.
- 7           2. In order to assist the child in foster care in
- 8 achieving his or her chosen goal, the department or
- 9 community-based provider shall, with the participation of the
- 10 child and foster parents, identify:
- 11           a. The core courses necessary to qualify for a chosen
- 12 goal.
- 13           b. Any elective courses which would provide additional
- 14 help in reaching a chosen goal.
- 15           c. The grade point requirement and any additional
- 16 information necessary to achieve a specific goal.
- 17           d. A teacher, other school staff member, employee of
- 18 the department or community-based care provider, or community
- 19 volunteer who would be willing to work with the child as an
- 20 academic advocate or mentor if foster parent involvement is
- 21 insufficient or unavailable.
- 22           3. In order to complement educational goals, the
- 23 department and community-based providers are encouraged to
- 24 form partnerships with the business community to support
- 25 internships, apprenticeships, or other work-related
- 26 opportunities.
- 27           4. The department and community-based providers shall
- 28 ensure that children in foster care and their foster parents
- 29 are made aware of the postsecondary goals available and shall
- 30 assist in identifying the coursework necessary to enable the
- 31 child to reach the chosen goal.

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1           (c) All children in foster care and young adults  
2 formerly in foster care are encouraged to take part in  
3 learning opportunities that result from participation in  
4 community service activities.

5           (d) Children in foster care and young adults formerly  
6 in foster care shall be provided with the opportunity to  
7 change from one postsecondary goal to another, and each  
8 postsecondary goal shall allow for changes in each  
9 individual's needs and preferences. Any change, particularly a  
10 change that will result in additional time required to achieve  
11 a goal, shall be made with the guidance and assistance of the  
12 department or community-based provider.

13           (4) SERVICES FOR CHILDREN IN FOSTER CARE.--The  
14 department shall provide the following transition to  
15 independence services to children in foster care who meet  
16 prescribed conditions and are determined eligible by the  
17 department. The service categories available to children in  
18 foster care which facilitate successful transition into  
19 adulthood are:

20           (a) Preindependent living services.--

21           1. Preindependent living services include, but are not  
22 limited to, life skills training, educational field trips, and  
23 conferences. The specific services to be provided to a child  
24 shall be determined using a preindependent living assessment.

25           2. A child who has reached 13 years of age but is not  
26 yet 15 years of age who is in foster care is eligible for such  
27 services.

28           3. The department shall conduct an annual staffing for  
29 each child who has reached 13 years of age but is not yet 15  
30 years of age to ensure that the preindependent living training  
31 and services to be provided as determined by the

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1 preindependent living assessment are being received and to  
2 evaluate the progress of the child in developing the needed  
3 independent living skills.

4         4. At the first annual staffing that occurs following  
5 a child's 14th birthday, and at each subsequent staffing, the  
6 department or community-based provider shall ensure that the  
7 child's case plan includes an educational and career path  
8 based upon both the abilities and interests of each child and  
9 shall provide to each child detailed personalized information  
10 on services provided by the Road-to-Independence ~~Scholarship~~  
11 Program, including requirements for eligibility; on other  
12 grants, scholarships, and waivers that are available and  
13 should be sought by the child with assistance from the  
14 department, including, but not limited to, the Bright Futures  
15 Scholarship Program, as provided in ss. 1009.53-1009.538; on  
16 application deadlines; and on grade requirements for such  
17 programs.

18         5. Information related to both the preindependent  
19 living assessment and all staffings, which shall be reduced to  
20 writing and signed by the child participant, shall be included  
21 as a part of the written report required to be provided to the  
22 court at each judicial review held pursuant to s. 39.701.

23         (b) Life skills services.--

24         1. Life skills services may include, but are not  
25 limited to, independent living skills training, including  
26 training to develop financial literacy ~~banking and budgeting~~  
27 skills, interviewing skills, parenting skills, and time  
28 management or organizational skills, educational support,  
29 employment training, and counseling. Children receiving these  
30 services should also be provided with information related to  
31 social security insurance benefits and public assistance. The



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1 specific services to be provided to a child shall be  
2 determined using an independent life skills assessment.

3         2. A child who has reached 15 years of age but is not  
4 yet 18 years of age who is in foster care is eligible for such  
5 services.

6         3. The department shall conduct a staffing at least  
7 once every 6 months for each child who has reached 15 years of  
8 age but is not yet 18 years of age to ensure that the  
9 appropriate independent living training and services as  
10 determined by the independent life skills assessment are being  
11 received and to evaluate the progress of the child in  
12 developing the needed independent living skills.

13         4. The department shall provide to each child in  
14 foster care no later than ~~during~~ the calendar month following  
15 the child's 17th birthday an independent living assessment to  
16 determine the child's skills and abilities to live  
17 independently and become self-sufficient. ~~Based on the results~~  
18 ~~of the independent living assessment, services and training~~  
19 ~~shall be provided in order for the child to develop the~~  
20 ~~necessary skills and abilities prior to the child's 18th~~  
21 ~~birthday.~~

22         5. The department or community-based care provider  
23 shall work with the child in developing a joint transition  
24 plan that is consistent with the needs assessment described in  
25 subparagraph 4. The transition plan must identify the specific  
26 services needed to support the child's own efforts to achieve  
27 independence and must include specific tasks that the child  
28 must complete or maintain in order to achieve independence.  
29 The plan shall be incorporated into the child's case plan and  
30 reviewed at the first judicial review after the child's 17th  
31 birthday.

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1           ~~6.5.~~ Information related to both the independent life  
2 skills assessment and all staffings, which shall be reduced to  
3 writing and signed by the child participant, shall be included  
4 as a part of the written report required to be provided to the  
5 court at each judicial review held pursuant to s. 39.701.

6           (c) Subsidized independent living services.--

7           1. Subsidized independent living services are living  
8 arrangements that allow the child to live independently of the  
9 daily care and supervision of an adult in a setting that is  
10 not required to be licensed under s. 409.175.

11           2. A child who has reached 16 years of age but is not  
12 yet 18 years of age is eligible for such services if he or  
13 she:

14           a. Is adjudicated dependent under chapter 39; has been  
15 placed in licensed out-of-home care for at least 6 months  
16 prior to entering subsidized independent living; and has a  
17 permanency goal of adoption, independent living, or long-term  
18 licensed care; and

19           b. Is able to demonstrate independent living skills,  
20 as determined by the department, using established procedures  
21 and assessments.

22           3. Independent living arrangements established for a  
23 child must be part of an overall plan leading to the total  
24 independence of the child from the department's supervision.  
25 The plan must include, but need not be limited to, a  
26 description of the skills of the child and a plan for learning  
27 additional identified skills; the behavior that the child has  
28 exhibited which indicates an ability to be responsible and a  
29 plan for developing additional responsibilities, as  
30 appropriate; a plan for future educational, vocational, and  
31 training skills; present financial and budgeting capabilities

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1 and a plan for improving resources and ability; a description  
2 of the proposed residence; documentation that the child  
3 understands the specific consequences of his or her conduct in  
4 the independent living program; documentation of proposed  
5 services to be provided by the department and other agencies,  
6 including the type of service and the nature and frequency of  
7 contact; and a plan for maintaining or developing  
8 relationships with the family, other adults, friends, and the  
9 community, as appropriate.

10 4. Subsidy payments in an amount established by the  
11 department may be made directly to a child under the direct  
12 supervision of a caseworker or other responsible adult  
13 approved by the department.

14 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER  
15 CARE.--Based on the availability of funds, the department  
16 shall provide or arrange for the following services to young  
17 adults formerly in foster care who meet the prescribed  
18 conditions and are determined eligible by the department. The  
19 department, or a community-based care lead agency when the  
20 agency is under contract with the department to provide the  
21 services described under this subsection, shall develop a plan  
22 to implement those services. A plan shall be developed for  
23 each community-based care service area in the state. Each plan  
24 that is developed by a community-based care lead agency shall  
25 be submitted to the department. Each plan shall include the  
26 number of young adults to be served each month of the fiscal  
27 year and specify the number of young adults who will reach 18  
28 years of age who will be eligible for the plan and the number  
29 of young adults who will reach 23 years of age and will be  
30 ineligible for the plan or who are otherwise ineligible during  
31 each month of the fiscal year; staffing requirements and all

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1 related costs to administer the services and program;  
2 expenditures to or on behalf of the eligible recipients; costs  
3 of services provided to young adults through an approved plan  
4 for housing, transportation, and employment; reconciliation of  
5 these expenses and any additional related costs with the funds  
6 allocated for these services; and an explanation of and a plan  
7 to resolve any shortages or surpluses in order to end the  
8 fiscal year with a balanced budget. The categories of

9 services available to assist a young adult formerly in foster  
10 care to achieve independence are:

11 (a) Aftercare support services.--

12 1. Aftercare support services are available to assist  
13 young adults who were formerly in foster care in their efforts  
14 to continue to develop the skills and abilities necessary for  
15 independent living. The aftercare support services available  
16 include, but are not limited to, the following:

17 a. Mentoring and tutoring.

18 b. Mental health services and substance abuse  
19 counseling.

20 c. Life skills classes, including credit management  
21 and preventive health activities.

22 d. Parenting classes.

23 e. Job and career skills training.

24 f. Counselor consultations.

25 g. Temporary financial assistance.

26 h. Financial literacy skills training.

27  
28 The specific services to be provided under this subparagraph  
29 shall be determined by an aftercare services assessment and  
30 may be provided by the department or through referrals in the  
31 community.

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1           2. Temporary assistance provided to prevent  
2 homelessness shall be provided as expeditiously as possible  
3 and within the limitations defined by the department.

4           ~~3.2.~~ A young adult who has reached 18 years of age but  
5 is not yet 23 years of age who leaves foster care at 18 years  
6 of age but who requests services prior to reaching 23 years of  
7 age is eligible for such services.

8           (b) Road-to-Independence ~~Scholarship~~ Program.--

9           1. The Road-to-Independence ~~Scholarship~~ Program is  
10 intended to help eligible students who are former foster  
11 children in this state to receive the educational and  
12 vocational training needed to achieve independence. The amount  
13 of the award shall be based on the living and educational  
14 needs of the young adult and may be up to, but may not exceed,  
15 the amount of earnings that the student would have been  
16 eligible to earn working a 40-hour-a-week federal minimum wage  
17 job.

18           2. A young adult who has reached 18 years of age but  
19 is not yet 21 years of age is eligible for the initial award,  
20 and a young adult under 23 years of age is eligible for  
21 renewal awards, if he or she:

22           a. Was a dependent child, under chapter 39, and was  
23 living in licensed foster care or in subsidized independent  
24 living at the time of his or her 18th birthday or is currently  
25 in licensed foster care or subsidized independent living, was  
26 adopted from foster care after reaching 16 years of age, or,  
27 after spending at least 6 months in the custody of the  
28 department after reaching 16 years of age, was placed in a  
29 guardianship by the court;

30           b. Spent at least 6 months living in foster care  
31 before reaching his or her 18th birthday;

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1 c. Is a resident of this state as defined in s.  
2 1009.40; and

3 d. Meets one of the following qualifications:

4 (I) Has earned a standard high school diploma or its  
5 equivalent as described in s. 1003.43 or s. 1003.435, or has  
6 earned a special diploma or special certificate of completion  
7 as described in s. 1003.438, and has been admitted for  
8 full-time enrollment in an eligible postsecondary education  
9 institution as defined in s. 1009.533;

10 (II) Is enrolled full time in an accredited high  
11 school; or

12 (III) Is enrolled full time in an accredited adult  
13 education program designed to provide the student with a high  
14 school diploma or its equivalent.

15 3. A young adult applying for the ~~a~~  
16 Road-to-Independence Program ~~Scholarship~~ must apply for any  
17 other grants and scholarships for which he or she may qualify.  
18 The department shall assist the young adult in the application  
19 process and may use the federal financial aid grant process to  
20 determine the funding needs of the young adult.

21 4. An award shall be available to a young adult who is  
22 considered a full-time student or its equivalent by the  
23 educational institution in which he or she is enrolled, unless  
24 that young adult has a recognized disability preventing  
25 full-time attendance. The amount of the award, whether it is  
26 being used by a young adult working toward completion of a  
27 high school diploma or its equivalent or working toward  
28 completion of a postsecondary education program, shall be  
29 determined based on an assessment of the funding needs of the  
30 young adult. This assessment must consider the young adult's  
31 living and educational costs and other grants, scholarships,

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1 waivers, earnings, and other income to be received by the  
2 young adult. An award shall be available only to the extent  
3 that other grants and scholarships are not sufficient to meet  
4 the living and educational needs of the young adult, but an  
5 award may not be less than \$25 in order to maintain Medicaid  
6 eligibility for the young adult as provided in s. 409.903.

7 5. The portion of any award which if funded through  
8 federal education and training vouchers may be disregarded for  
9 purposes of determining the eligibility for, or the amount of,  
10 any other federal or federally supported assistance.

11 6.5-a. The department must advertise the criteria,  
12 application procedures, and availability of the program to:

13 (I) Children and young adults in, leaving, or formerly  
14 in foster care.

15 (II) Case managers.

16 (III) Guidance and family services counselors.

17 (IV) Principals or other relevant school

18 administrators ~~and must ensure that the children and young~~  
19 ~~adults leaving foster care, foster parents, or family services~~  
20 ~~counselors are informed of the availability of the program and~~  
21 ~~the application procedures.~~

22 b. A young adult must apply for the initial award  
23 during the 6 months immediately preceding his or her 18th  
24 birthday, and the department shall provide assistance with the  
25 application process. A young adult who fails to make an  
26 initial application, but who otherwise meets the criteria for  
27 an initial award, may make one application for the initial  
28 award if the application is made before the young adult's 21st  
29 birthday. If the young adult does not apply for an initial  
30 award before his or her 18th birthday, the department shall  
31 inform that young adult of the opportunity to apply before

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1 turning 21 years of age.

2 c. ~~If funding for the program is available,~~ The  
3 department shall issue awards from the ~~scholarship~~ program for  
4 each young adult who meets all the requirements of the program  
5 to the extent funding is available.

6 d. An award shall be issued at the time the eligible  
7 student reaches 18 years of age.

8 e. A young adult who is eligible for the  
9 Road-to-Independence Program, transitional support services,  
10 or aftercare services and who so desires shall be allowed to  
11 reside with the licensed foster family or group care provider  
12 with whom he or she was residing at the time of attaining his  
13 or her 18th birthday or to reside in another licensed foster  
14 home or with a group care provider arranged by the department.

15 f. If the award recipient transfers from one eligible  
16 institution to another and continues to meet eligibility  
17 requirements, the award must be transferred with the  
18 recipient.

19 g. ~~Scholarship~~ Funds awarded to any eligible young  
20 adult under this program are in addition to any other services  
21 or funds provided to the young adult by the department through  
22 transitional support services or aftercare services ~~its~~  
23 ~~independent living transition services.~~

24 h. The department shall provide information concerning  
25 young adults receiving funding through the  
26 Road-to-Independence Program ~~Scholarship~~ to the Department of  
27 Education for inclusion in the student financial assistance  
28 database, as provided in s. 1009.94.

29 i. ~~Scholarship~~ Funds are intended to help eligible  
30 young adults ~~students~~ who are former foster children in this  
31 state to receive the educational and vocational training



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1 needed to become independent and self-supporting. The funds  
2 shall be terminated when the young adult has attained one of  
3 four postsecondary goals under subsection (3) or reaches 23  
4 years of age, whichever occurs earlier. In order to initiate  
5 postsecondary education, to allow for a change in career goal,  
6 or to obtain additional skills in the same educational or  
7 vocational area, a young adult may earn no more than two  
8 diplomas, certificates, or credentials. A young adult  
9 attaining an associate of arts or associate of science degree  
10 shall be permitted to work toward completion of a bachelor of  
11 arts or a bachelor of science degree or an equivalent  
12 undergraduate degree. Road-to-Independence Program ~~Scholarship~~  
13 funds may not be used for education or training after a young  
14 adult has attained a bachelor of arts or a bachelor of science  
15 degree or an equivalent undergraduate degree.

16 j. The department shall evaluate and renew each award  
17 annually during the 90-day period before the young adult's  
18 birthday. In order to be eligible for a renewal award for the  
19 subsequent year, the young adult must:

20 (I) Complete the number of hours, or the equivalent  
21 considered full time by the educational institution, unless  
22 that young adult has a recognized disability preventing  
23 full-time attendance, in the last academic year in which the  
24 young adult earned an award ~~a scholarship~~, except for a young  
25 adult who meets the requirements of s. 1009.41.

26 (II) Maintain appropriate progress as required by the  
27 educational institution, except that, if the young adult's  
28 progress is insufficient to renew the award ~~scholarship~~ at any  
29 time during the eligibility period, the young adult may  
30 restore eligibility by improving his or her progress to the  
31 required level.

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1 k. ~~Scholarship~~ Funds may be terminated during the  
2 interim between an award and the evaluation for a renewal  
3 award if the department determines that the award recipient is  
4 no longer enrolled in an educational institution as defined in  
5 sub-subparagraph 2.d., or is no longer a state resident. The  
6 department shall notify a recipient ~~student~~ who is terminated  
7 and inform the recipient ~~student~~ of his or her right to  
8 appeal.

9 1. An award recipient who does not qualify for a  
10 renewal award or who chooses not to renew the award may  
11 subsequently apply for reinstatement. An application for  
12 reinstatement must be made before the young adult reaches 21  
13 ~~23~~ years of age, and a student may not apply for reinstatement  
14 more than once. In order to be eligible for reinstatement, the  
15 young adult must meet the eligibility criteria and the  
16 criteria for award renewal for the ~~scholarship~~ program.

17 (c) Transitional support services.--

18 1. In addition to any services provided through  
19 aftercare support or the Road-to-Independence Program  
20 ~~Scholarship~~, a young adult formerly in foster care may receive  
21 other appropriate short-term funding and services, which may  
22 include financial, housing, counseling, employment, education,  
23 mental health, disability, and other services, if the young  
24 adult demonstrates that the services are critical to the young  
25 adult's own efforts to achieve self-sufficiency and to develop  
26 a personal support system.

27 2. A young adult formerly in foster care is eligible  
28 to apply for transitional support services if he or she has  
29 reached 18 years of age but is not yet 23 years of age, was a  
30 dependent child pursuant to chapter 39, was living in licensed  
31 foster care or in subsidized independent living at the time of

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1 his or her 18th birthday, and had spent at least 6 months  
2 living in foster care before that date.

3 3. If at any time the services are no longer critical  
4 to the young adult's own efforts to achieve self-sufficiency  
5 and to develop a personal support system, they shall be  
6 terminated.

7 (d) Payment of aftercare, Road-to-Independence Program  
8 ~~scholarship~~, or transitional support funds.--

9 1. Payment of aftercare, Road-to-Independence Program  
10 ~~scholarship~~, or transitional support funds shall be made  
11 directly to the recipient unless the recipient requests in  
12 writing to the community-based care lead agency, or the  
13 department, that the payments or a portion of the payments be  
14 made directly on the recipient's behalf in order to secure  
15 services such as housing, counseling, education, or employment  
16 training as part of the young adult's own efforts to achieve  
17 self-sufficiency.

18 2. After the completion of aftercare support services  
19 that satisfy the requirements of sub-subparagraph (a)1.h.,  
20 payment of awards under the Road-to-Independence Program shall  
21 be made by direct deposit to the recipient, unless the  
22 recipient requests in writing to the community-based care lead  
23 agency or the department that:

24 a. The payments be made directly to the recipient by  
25 check or warrant;

26 b. The payments or a portion of the payments be made  
27 directly on the recipient's behalf to institutions the  
28 recipient is attending to maintain eligibility under this  
29 section; or

30 c. The payments be made on a two-party check to a  
31 business or landlord for a legitimate expense, whether

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1 reimbursed or not. A legitimate expense for the purposes of  
2 this sub-subparagraph shall include automobile repair or  
3 maintenance expenses; educational, job, or training expenses;  
4 and costs incurred, except legal costs, fines, or penalties,  
5 when applying for or executing a rental agreement for the  
6 purposes of securing a home or residence.

7       3. The community-based care lead agency may purchase  
8 housing, transportation, or employment services to ensure the  
9 availability and affordability of specific transitional  
10 services thereby allowing an eligible young adult to utilize  
11 these services in lieu of receiving a direct payment. Prior to  
12 purchasing such services, the community-based care lead agency  
13 must have a plan approved by the department describing the  
14 services to be purchased, the rationale for purchasing the  
15 services, and a specific range of expenses for each service  
16 that is less than the cost of purchasing the service by an  
17 individual young adult. The plan must include a description of  
18 the transition of a young adult using these services into  
19 independence and a timeframe for achievement of independence.  
20 An eligible young adult who can demonstrate an ability to  
21 obtain these services independently and prefers a direct  
22 payment shall receive such payment. The plan must be reviewed  
23 annually and evaluated for cost-efficiency and for  
24 effectiveness in assisting young adults in achieving  
25 independence, preventing homelessness among young adults, and  
26 enabling young adults to earn a living wage in a permanent  
27 employment situation.

28       4. The young adult who resides with a foster family  
29 may not be included as a child in calculating any licensing  
30 restriction on the number of children in the foster home.

31       (e) Appeals process.--

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1           1. The Department of Children and Family Services  
2 shall adopt by rule a procedure by which a young adult may  
3 appeal an eligibility determination or the department's  
4 failure to provide aftercare, Road-to-Independence Program  
5 ~~scholarship~~, or transitional support services, or the  
6 termination of such services, if such funds are available.

7           2. The procedure developed by the department must be  
8 readily available to young adults, must provide timely  
9 decisions, and must provide for an appeal to the Secretary of  
10 Children and Family Services. The decision of the secretary  
11 constitutes final agency action and is reviewable by the court  
12 as provided in s. 120.68.

13           (6) ACCOUNTABILITY.--The department shall develop  
14 outcome measures for the program and other performance  
15 measures.

16           (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.--The  
17 Secretary of Children and Family Services shall establish the  
18 Independent Living Services Advisory Council for the purpose  
19 of reviewing and making recommendations concerning the  
20 implementation and operation of the independent living  
21 transition services. This advisory council shall continue to  
22 function as specified in this subsection until the Legislature  
23 determines that the advisory council can no longer provide a  
24 valuable contribution to the department's efforts to achieve  
25 the goals of the independent living transition services.

26           (a) Specifically, the advisory council shall assess  
27 the implementation and operation of the system of independent  
28 living transition services and advise the department on  
29 actions that would improve the ability of the independent  
30 living transition services to meet the established goals. The  
31 advisory council shall keep the department informed of

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1 problems being experienced with the services, barriers to the  
2 effective and efficient integration of services and support  
3 across systems, and successes that the system of independent  
4 living transition services has achieved. The department shall  
5 consider, but is not required to implement, the  
6 recommendations of the advisory council.

7 (b) The advisory council shall report to the  
8 appropriate substantive committees of the Senate and the House  
9 of Representatives on the status of the implementation of the  
10 system of independent living transition services; efforts to  
11 publicize the availability of aftercare support services, the  
12 Road-to-Independence ~~Scholarship~~ Program, and transitional  
13 support services; ~~specific barriers to financial aid created~~  
14 ~~by the scholarship and possible solutions;~~ the success of the  
15 services; problems identified; recommendations for department  
16 or legislative action; and the department's implementation of  
17 the recommendations contained in the Independent Living  
18 Services Integration Workgroup Report submitted to the Senate  
19 and the House substantive committees December 31, 2002. This  
20 advisory council report shall be submitted by December 31 of  
21 each year that the council is in existence and shall be  
22 accompanied by a report from the department which identifies  
23 the recommendations of the advisory council and either  
24 describes the department's actions to implement these  
25 recommendations or provides the department's rationale for not  
26 implementing the recommendations.

27 (c) Members of the advisory council shall be appointed  
28 by the secretary of the department. The membership of the  
29 advisory council must include, at a minimum, representatives  
30 from the headquarters and district offices of the Department  
31 of Children and Family Services, community-based care lead

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1 agencies, the Agency for Workforce Innovation, the Department  
2 of Education, the Agency for Health Care Administration, the  
3 State Youth Advisory Board, Workforce Florida, Inc., the  
4 Statewide Guardian Ad Litem Office, foster parents, recipients  
5 of Road-to-Independence Program funding, and advocates for  
6 foster children. The secretary shall determine the length of  
7 the term to be served by each member appointed to the advisory  
8 council, which may not exceed 4 years.

9       (d) The Department of Children and Family Services  
10 shall provide administrative support to the Independent Living  
11 Services Advisory Council to accomplish its assigned tasks.  
12 The advisory council shall be afforded access to all  
13 appropriate data from the department, each community-based  
14 care lead agency, and other relevant agencies in order to  
15 accomplish the tasks set forth in this section. The data  
16 collected may not include any information that would identify  
17 a specific child or young adult.

18       (8) PERSONAL PROPERTY.--Property acquired on behalf of  
19 clients of this program shall become the personal property of  
20 the clients and is not subject to the requirements of chapter  
21 273 relating to state-owned tangible personal property. Such  
22 property continues to be subject to applicable federal laws.

23       (9) MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN  
24 FOSTER CARE.--The department shall enroll in the Florida  
25 KidCare program, outside the open enrollment period, each  
26 young adult who is eligible as described in paragraph (2)(b)  
27 and who has not yet reached his or her 20th ~~19th~~ birthday.

28       (a) A young adult who was formerly in foster care at  
29 the time of his or her 18th birthday and who is 18 years of  
30 age but not yet 20 ~~19~~, shall pay the premium for the Florida  
31 KidCare program as required in s. 409.814.

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1 (b) A young adult who has health insurance coverage  
2 from a third party through his or her employer or who is  
3 eligible for Medicaid is not eligible for enrollment under  
4 this subsection.

5 (10) RULEMAKING.--The department shall adopt by rule  
6 procedures to administer this section, including balancing the  
7 goals of normalcy and safety for the youth and providing the  
8 caregivers with as much flexibility as possible to enable the  
9 youth to participate in normal life experiences. The  
10 department shall not adopt rules relating to reductions in  
11 ~~scholarship~~ awards. The department shall engage in appropriate  
12 planning to prevent, to the extent possible, a reduction in  
13 ~~scholarship~~ awards after issuance.

14 Section 2. Subsection (2) of section 39.013, Florida  
15 Statutes, is amended to read:

16 39.013 Procedures and jurisdiction; right to  
17 counsel.--

18 (2) The circuit court shall have exclusive original  
19 jurisdiction of all proceedings under this chapter, of a child  
20 voluntarily placed with a licensed child-caring agency, a  
21 licensed child-placing agency, or the department, and of the  
22 adoption of children whose parental rights have been  
23 terminated under this chapter. Jurisdiction attaches when the  
24 initial shelter petition, dependency petition, or termination  
25 of parental rights petition is filed or when a child is taken  
26 into the custody of the department. The circuit court may  
27 assume jurisdiction over any such proceeding regardless of  
28 whether the child was in the physical custody of both parents,  
29 was in the sole legal or physical custody of only one parent,  
30 caregiver, or some other person, or was in the physical or  
31 legal custody of no person when the event or condition



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1 occurred that brought the child to the attention of the court.  
2 When the court obtains jurisdiction of any child who has been  
3 found to be dependent, the court shall retain jurisdiction,  
4 unless relinquished by its order, until the child reaches 18  
5 years of age. However, if a youth petitions the court at any  
6 time before his or her 19th birthday requesting the court's  
7 continued jurisdiction, the juvenile court may retain  
8 jurisdiction under this chapter for a period not to exceed 1  
9 year following the youth's 18th birthday for the purpose of  
10 determining whether appropriate aftercare support,  
11 Road-to-Independence Program ~~Scholarship~~, transitional  
12 support, mental health, and developmental disability services,  
13 to the extent otherwise authorized by law, have been provided  
14 to the formerly dependent child who was in the legal custody  
15 of the department immediately before his or her 18th birthday.  
16 If a petition for special immigrant juvenile status and an  
17 application for adjustment of status have been filed on behalf  
18 of a foster child and the petition and application have not  
19 been granted by the time the child reaches 18 years of age,  
20 the court may retain jurisdiction over the dependency case  
21 solely for the purpose of allowing the continued consideration  
22 of the petition and application by federal authorities. Review  
23 hearings for the child shall be set solely for the purpose of  
24 determining the status of the petition and application. The  
25 court's jurisdiction terminates upon the final decision of the  
26 federal authorities. Retention of jurisdiction in this  
27 instance does not affect the services available to a young  
28 adult under s. 409.1451. The court may not retain jurisdiction  
29 of the case after the immigrant child's 22nd birthday.

30 Section 3. Paragraph (a) of subsection (6) of section  
31 39.701, Florida Statutes, is amended to read:

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1           39.701 Judicial review.--

2           (6)(a) In addition to paragraphs (1)(a) and (2)(a),  
3 the court shall hold a judicial review hearing within 90 days  
4 after a youth's 17th birthday and shall continue to hold  
5 timely judicial review hearings. In addition, the court may  
6 review the status of the child more frequently during the year  
7 prior to the youth's 18th birthday if necessary. At each  
8 review held under this subsection, in addition to any  
9 information or report provided to the court, the foster  
10 parent, legal custodian, guardian ad litem, and the child  
11 shall be given the opportunity to address the court with any  
12 information relevant to the child's best interests,  
13 particularly as it relates to independent living transition  
14 services. In addition to any information or report provided to  
15 the court, the department shall include in its judicial review  
16 social study report written verification that the child:

17           1. Has been provided with a current Medicaid card and  
18 has been provided all necessary information concerning the  
19 Medicaid program sufficient to prepare the youth to apply for  
20 coverage upon reaching age 18, if such application would be  
21 appropriate.

22           2. Has been provided with a certified copy of his or  
23 her birth certificate and, if the child does not have a valid  
24 driver's license, a Florida identification card issued under  
25 s. 322.051.

26           3. Has been provided information relating to Social  
27 Security Insurance benefits if the child is eligible for these  
28 benefits. If the child has received these benefits and they  
29 are being held in trust for the child, a full accounting of  
30 those funds must be provided and the child must be informed  
31 about how to access those funds.

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1           4. Has been provided with information and training  
2 related to budgeting skills, interviewing skills, and  
3 parenting skills.

4           5. Has been provided with all relevant information  
5 related to the Road-to-Independence Program ~~Scholarship~~,  
6 including, but not limited to, eligibility requirements, forms  
7 necessary to apply, and assistance in completing the forms.  
8 The child shall also be informed that, if he or she is  
9 eligible for the Road-to-Independence ~~Scholarship~~ Program, he  
10 or she may reside with the licensed foster family or group  
11 care provider with whom the child was residing at the time of  
12 attaining his or her 18th birthday or may reside in another  
13 licensed foster home or with a group care provider arranged by  
14 the department.

15           6. Has an open bank account, or has identification  
16 necessary to open an account, and has been provided with  
17 essential banking skills.

18           7. Has been provided with information on public  
19 assistance and how to apply.

20           8. Has been provided a clear understanding of where he  
21 or she will be living on his or her 18th birthday, how living  
22 expenses will be paid, and what educational program or school  
23 he or she will be enrolled in.

24           9. Has been provided with notice of the youth's right  
25 to petition for the court's continuing jurisdiction for 1 year  
26 after the youth's 18th birthday as specified in s. 39.013(2)  
27 and with information on how to obtain access to the court.

28           10. Has been encouraged to attend all judicial review  
29 hearings occurring after his or her 17th birthday.

30           Section 4. Paragraph (c) of subsection (2) of section  
31 1009.25, Florida Statutes, is amended to read:

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1           1009.25   Fee exemptions.--

2           (2)   The following students are exempt from the payment  
3 of tuition and fees, including lab fees, at a school district  
4 that provides postsecondary career programs, community  
5 college, or state university:

6           (c)   A student who the state has determined is eligible  
7 for the Road-to-Independence Program ~~Scholarship~~, regardless  
8 of whether an award is issued or not, or a student who is or  
9 was at the time he or she reached 18 years of age in the  
10 custody of a relative under s. 39.5085, or who is adopted from  
11 the Department of Children and Family Services after May 5,  
12 1997. Such exemption includes fees associated with enrollment  
13 in career-preparatory instruction and completion of the  
14 college-level communication and computation skills testing  
15 program. Such an exemption is available to any student who was  
16 in the custody of a relative under s. 39.5085 at the time he  
17 or she reached 18 years of age or was adopted from the  
18 Department of Children and Family Services after May 5, 1997;  
19 however, the exemption remains valid for no more than 4 years  
20 after the date of graduation from high school.

21           Section 5.   This act shall take effect July 1, 2006.

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